

REMARKS

In the subject application, claims 68-80 are pending. Of the pending claims; claims 78-80 are allowed and claims 78-80 are allowed and claims 69, 71, 72, and 75-77 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and intervening dependent claims. These claims have been rewritten in independent form.

Claims 68 and 70 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,807,937 issued to Matyjaszewski et al. ("Matyjaszewski I") and claims 68, 70, 73, and 74 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,789,487 issued to Matyjaszewski et al. ("Matyjaszewski II"). In addition, claims 68 and 70 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-11 of Matyjaszewski I and claims 69 and 70 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 5,945,491 issued to Matyjaszewski et al. ("Matyjaszewski III").

Rejections under 35 U.S.C. § 102

Applicants have herein amended claim 68 to clarify the scope of the claim. It is now clear that the disclosure of Matyjaszewski I and Matyjaszewski II do not anticipate the claim as currently amended. For example, Matyjaszewski I does not disclose the use a "multifunctional initiator functionalized with an ATRP initiating site and a second initiation site for initiating the first polymerization" in claims 9-11.

Example 5 of Matyjaszewski II does discuss formation of a macroinitiator for ATRP using a living cationic polymerization, however, a “multifunctional initiator functionalized with an ATRP initiating site and a second initiation site for initiating the first polymerization” is not used. In examples 14-24 of Matyjaszewski II, the macroinitiator is a multifunctional initiator having only ATRP initiating sites. A dual functional initiator as presently described in claim 68 was not employed.

Double Patenting

Applicants herein submit two Terminal Disclaimers as suggested by the Examiner to overcome rejections based upon the judicially created doctrine of double patenting based upon the claims of Matyjaszewski I and Matyjaszewski III.

New Claims

In the Office Action, claims 69, 71, 72, and 75-77 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and intervening dependent claims. Applicants have herein rewritten claims 69, 71, 72, and 75-77 in independent form including all the limitations of the base claim and any intervening claim such that:

New claim 81 corresponds to original claim 69;

New claims 82 and 83 corresponds to original claims 71 and 72;

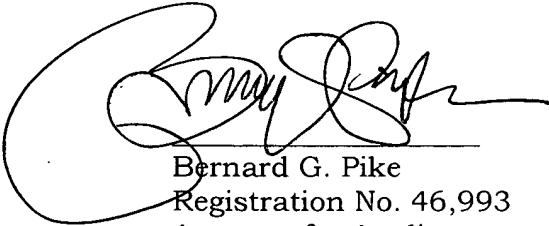
New claim 84 correspond to original claim 75; and

New claims 85 and 86 correspond to original claims 76 and 77.

Conclusion

Applicants have made a diligent effort to fully respond to all of the concerns and comments of the Examiner. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in the subject application. If the Examiner has any concerns regarding Applicants' present response, he is invited to contact Applicants' undersigned representative at the telephone number listed below so that those concerns may be expeditiously addressed.

Respectfully submitted,



Bernard G. Pike
Registration No. 46,993
Attorney for Applicants

KIRKPATRICK & LOCKHART LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312

Telephone: (412) 355-8620
Facsimile: (412) 355-6501